

OPH.013A

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Donald G. Bruns )  
App. No. : 09/875,447 )  
Filed : June 4, 2001 )  
For : WAVEFRONT ABERRATOR AND )  
METHOD OF MANUFACTURING )  
Examiner : Unknown )

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GROUP 1700

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignments of the above-captioned application from the inventor to the Assignee is attached hereto. These Assignments represent the entire chain of title of this invention from the Inventor to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knotbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614 Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this

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application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

OPHTHONIX, INC.

Dated: 9/3/02

By: 

Andreas W. Dreher

Title: President & CEO

Address: 10455 Pacific Center Court  
San Diego, CA 92121

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**PATENT**  
Client Code: OPH.013A  
Page 1

**ASSIGNMENT**

WHEREAS, Trex Enterprises, Corp., a California corporation having offices at 10455 Pacific Center Court, San Diego, CA 92121 (hereinafter "ASSIGNOR"), represents and warrants that it is the sole owner of the entire right, title, and interest to certain new and useful improvements for which ASSIGNOR has filed the following United States applications for Letters Patents in the United States (hereinafter "the Patent Applications"):

<u>Application No.</u>	<u>Filing Date</u>	<u>Title</u>
09/875,447	June 4, 2001	WAVEFRONT ABERRATOR AND METHOD OF MANUFACTURING

WHEREAS, Ophthonix, Inc., a California corporation having offices at 10455 Pacific Center Court, San Diego, CA 92121 (hereinafter "ASSIGNEE") desires to purchase the entire right, title, and interest in and to the inventions disclosed in the Patent Applications;

NOW, THEREFORE, in return for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby further acknowledges that it has sold, assigned, and transferred, and by these presents does hereby sell, assign, and transfer, unto ASSIGNEE, its successors, legal representatives, and assigns, the entire right, title, and interest throughout the world in, to, and under the said improvements, and the said Patent Applications and all Patents that may be granted thereon, and all divisions, continuations, reissues, reexaminations, renewals, and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent that may hereafter be filed for said improvements or for the said Patent Applications in any country or countries foreign to the United States; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents of the United States, and any Official of any country foreign to the United States, whose duty it is to issue patents on application; as aforesaid, to issue all Letters Patent for said improvements and all Letters Patents resulting from the Patent Applications to ASSIGNEE, its successors, legal representatives, and assigns, in accordance with the terms of this Agreement.

ASSIGNOR does hereby sell, assign, transfer, and convey to ASSIGNEE, its successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said issued Letters Patents;

ASSIGNOR hereby covenants and agrees that it will communicate to ASSIGNEE, its successors, legal representatives, and assigns any facts known to ASSIGNOR respecting the Patent Applications immediately upon becoming aware of those facts, and that it will testify in any legal proceeding involving any of the Patent Applications, will sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and will generally do everything possible to aid ASSIGNEE, its successors, legal representatives, and assigns to obtain and enforce the Patent Applications in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 8<sup>th</sup> day of August, 2002

Trex Enterprises, Corp.  
By: Kenneth Y. Tanaka  
Name Printed: KENNETH Y. TANAKA  
Title: CEO  
Date: Aug 8, 2002

STATE OF California }  
COUNTY OF San Diego } ss.

On August 8, 2002, before me, Veronica Luna, Notary Public, personally appeared Kenneth Y. Tang, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Veronica Luna  
Notary Signature

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**Assignment**

Whereas, Donald Bruns of San Diego, California, California hereinafter called assignor(s), have invented certain improvements in

**"WAVEFRONT ABERRATOR AND METHOD OF MANUFACTURING"**

and executed an application for Letters Patent of the United States of America therefor on 9 JANUARY 2002; for Application number 09 875,447, filed June 4, 2001; and

Whereas, Trex Enterprises, Corp. of 10455 Pacific Center Court, San Diego, California 92121 (assignee), desires to acquire the entire right, title, and interest in the application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

We, the above named assignor(s), hereby sell, assign, and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patent granted upon the inventions set forth in the application to transfer to the above named assignee, its successors and assigns; and we hereby agree that assignee may apply for foreign Letters Patent on the invention and we will execute without further consideration all papers necessary in connection with the United States and foreign applications when called upon to do so by the assignee.

Date:

9 January 2002

by

Donald A. Bruns

Donald Bruns

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